

**ANNEX I, PART 12**

**COSMETIC ADVERTISING CODE**

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## **1. INTRODUCTION**

### **1.1 Scope**

This code is drawn up with the intention to provide guidance to cosmetics industry in developing advertising message in Ethical manner. Responsibility for observing the code rests primary with the advertiser.

### **1.2 Definition**

For the purpose of this code unless the context indicates otherwise, the following terms shall have the following meaning:-

#### **Cosmetic**

any substance or preparation intended to be used, or capable or purported or claimed to be capable of being used, on the various external parts of the human body (including epidermis, hair system, nails, lips and external genital organs) or the teeth and the mucous membranes of the oral cavity for the exclusive or main purpose of cleaning, perfuming or protecting them, or of keeping them in good condition, or of changing or modifying their appearance, or correcting body odours."

#### **Advertisement**

Applies to advertising wherever it may appear. It does not cover publicity for the products which appears in media other than in space or time paid for by the advertiser. It includes advertising in leaflets, circular, poster, outdoor signs and point of sales materials.

#### **Media**

Media shall mean any means of mass communications used to disseminate information or messages publicly, may it be of light or sound or both including television/cable television radio, magazines, newspapers, cinema, outdoor signs.

#### **Advertiser**

It shall mean the person or entity on whose account or for whom the advertisement is prepared and disseminated.

Children

It shall mean person below twelve years of age.

Infant

It shall mean person below one year of age.

### **1.3 Objective**

The object of the code is to ensure that the marketing and advertising of cosmetics to the public is conducted in a manner that promotes the quality use of cosmetics, is socially responsible and does not mislead or deceive the consumer

## **2. PRINCIPLES**

Advertisements should contain information that is reliable, accurate, truthful, informative, balanced, up to date, and capable of substantiation and in good taste. They should not contain misleading or unverifiable statements or omissions likely to induce unjustifiable use or give rise to undue risks.

### **2.1 Standard of Morality or Decency**

Advertisements should not contain statements or visual presentation which are, or likely to be interpreted to be contrary or offensive to the standard of morality or decency prevailing in the Malaysian society or in any way defamatory or humiliating to any segment of the public.

### **2.2 Honesty or Truthful Presentation**

a. Advertisements should not be so framed as to abuse the trust of the consumer or exploit his/her lack of experience or knowledge.

b. All descriptions, claims and comparisons which relate to matters of objectively ascertainable fact should be capable of substantiation, and advertisers and advertising agencies are

required to hold such substantiation ready for production without delay when required by Authorized party.

### **2.3 Fear, Superstition, Religious**

a. Advertisement should not play on fear without justifiable reason

b. Advertisements should not exploit superstitions.

c. Advertisements should not directly or by implication exploit the religious requirements/beliefs of any community.

### **2.4 Acts of Violence or illegal Activities**

a. Advertisement should not contain anything which might lead or lend support to acts of violence, nor should they appear to condone such acts.

b. Advertisement should not contain anything which might lead/encourage or lend support to criminal or illegal activities, nor should they appear to condone such activities.

### **2.5 Use of infant, Children and Young People**

Advertisements addressed to infant, children or young people or likely to be seen by them, shall not contain anything whether an illustration or otherwise, which result in harming them physically, mentally or morally or which exploit their credulity, natural sense of loyalty or their lack of experience.

### **2.6 Imitation**

a. Advertisements shall not be similar in general layout, copy, slogans, visual presentation, music or sound effects to other advertisement as to likely mislead or confuse.

b. Particular care shall be taken in the packaging and labeling of goods to avoid causing confusion with competing products.

### **3. COMPARISON**

#### **3.1 Disparagement and Denigration**

a. Direct comparison advertisements against competitors' products or service are strictly not allowed.

b. Comparison advertising may be permitted provided it does not use symbols, slogans, titles, or statements that are clearly identified or directly associated with competitive brands. Competitive claims inviting comparison with a group of products or with other products categories (without identifying any specific brands) may be allowed provided these are adequately substantiated.

c. Advertisements should not directly or indirectly disparage, ridicule or unfairly attack competitors, competing products or services including distinguishing feature of their advertising campaigns such as specific layout, copy, slogan, visual presentation, music/jingle or sound effects.

d. Advertisement shall not contain any statement which either expressly, or by implication disparage any profession, product, services or advertisers in an unfair or misleading way.

#### **3.2 Before and After Effects**

a. "Before" and "after" situation must reflect truthful and factual comparisons. Comparisons of the "antecedent" situation with the "subsequent" situation must not be exaggerated or misleading.

b. Advertising comparing "before" and "after" situations should cite with prominence the specific time elapsed between the two situations.

### **4. TESTIMONIAL**

a. Advertisements shall not contain or refer to any testimonial or endorsement unless it is genuine and related to the personal experience over a reasonable period or time of the person giving it. Testimonials or endorsements which are obsolete or

otherwise no longer applicable, (e.g. where there has been a significant change in formulation of the product concerned) shall not be used.

b. Care shall be taken, where a testimonial is given by a person with professional qualifications that in indicating those qualifications the advertisers do not cause the person giving the testimonial to transgress any regulations of the professional institution to which he belongs.

c. Testimonials of professionals should observe the ethics of their professions and not violate regulations of the government bodies or institutions regulating that profession.

**5. TEST, TRIALS AND RESEARCH RESULTS**

a. Reference expressly or by implication to test, trials, research and the likely may only be used if they are fully substantiated and not misleading. References to tests or trials conducted in a named hospital, clinic, institute, laboratory or college or by named professional or official organization are permissible only if authorized and approved by the authority of the institution or organization concerned.

b. Test, trial and research in supporting medicinal claims are not allowed to be used in the advertisement.

**6. HYPERBOLE WORDS/SUPERLATIVE/CLAIMS**

a. All claims in the Advertisement should be substantiated and able to provide when being challenged by authority or competitors.

b. Advertisement may contain hyperbole words or superlative or claims only when it can be substantiated when challenge.